REMARKS

With entry of this amendment, claim 27 has been cancelled, thereby leaving claims 1-5, 7-26, and 28-45 pending in this application. Of these, claims 1-3, 5, 10-20, 22, 26, 28-36, and 42-45 stand rejected, and claims 4, 7-7, 21, 23-25, and 37-41 stand objected to, but have been found to contain allowable subject matter. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Objection

Claim 27 stands objected to as being identical to claim 22. Accordingly, claim 27 has been cancelled from this application.

Claim Rejections-35 U.S.C. §102

Lyle

Claims 1-3, 5, 10-20, 22, 26, 28-36, and 42-45 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,886,102, issued to Lyle ("Lyle"). Without acquiescence that Lyle is §102(e) prior art, and without prejudice to antedate this reference should it become necessary, Applicant respectfully traverses the rejections of these claims, since Lyle does not disclose each and every element recited in these claims.

In particular, independent claims 1, 14, and 28 each requires "determining port information of said network address information in response to said network address information extraction." The Examiner has cited col. 10, line 44-59 in support of the proposition that Lyle discloses this element. However, to the extent that Lyle determines port information, such determination is made at the beginning of the process before any network address information is extracted. That is, the sniffer module of Lyle monitors an identified port, and extracts network address information from

data packets seen on that port. Lyle does not determine port information in response to the extraction of network address information.

Thus, Applicant submits that independent claims 1, 14, and 28, and the claims depending therefrom (claims 2, 3, 5, 10-20, 22, 26, 28-36, and 42-45) are not anticipated by Lyle.

In addition, dependent claims 3, 20, and 36 each requires the port information to be determined by "interrogating said network switch to obtain said port information using said network address information." The Examiner has cited col. 10, lines 44-59 in support of the proposition that Lyle discloses this additional element. However, while the sniffer module of Lyle interrogates the ports of the switch for data packets containing network address information, this is quite different from, and in fact the opposite of, interrogating the switch to obtain portion information using the network address information. Thus, another reason is provided as to why claims 3, 20, 36, and the claims depending therefrom (claims 4, 21, and 37) are not anticipated by Lyle.

As such, Applicant respectfully requests withdrawal of the §102 rejections of claims 1-3, 5, 10-20, 22, 26, 28-36, and 42-45.

Hegge

Claims 1-3, 5, 11-20, 22, 27-36, and 43-45 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2001/0055274, issued to Hegge et al. ("Hegge"). Without acquiescence that Hegge is §102(e) prior art, and without prejudice to antedate this reference should it become necessary, Applicant respectfully traverses the rejections of these claims, since Hegge does not disclose each and every element recited in these claims.

In particular, independent claims 1, 14, and 28 each requires "determining port information of said network address information in response to said network address information extraction."

The Examiner has cited paragraphs [0017, 0021] in support of the proposition that Hegge discloses this element. However, Hegge only discloses that the switch infers network information from the port interfaces in paragraph [0017] and that monitoring devices are used to monitor data packet flows from the mirror ports in paragraph [0021]. To the extent that the Hegge monitoring device determines port information, there is simply no disclosure that such port information is determined in response to the extraction of network address information corresponding to the port information. Although the Hegge switch presumably determines port information, such port information is not determined in response to the extraction of network information from mirrored data packets—or the extraction of network information from any data packets for that matter.

Thus, Applicant submits that independent claims 1, 14, and 28, and the claims depending therefrom (claims 2, 3, 5, 11-13, 15-20, 22, 27, 29-36, and 43-45) are not anticipated by Hegge.

In addition, dependent claims 3, 20, and 36 each requires the port information to be determined by "interrogating said network switch to obtain said port information using said network address information." The Examiner has cited paragraph [0017] in support of the proposition that Lyle discloses this additional element, stating that the switch determines whether the information is a part of a particular flow of information that is a member of a pre-selected group of flows of information. There is simply nothing in this disclosure, or anything that can be reasonably inferred from this disclosure, that the switch is interrogated to obtain port information using network address information. Thus, another reason is provided as to why claims 3, 20, 36, and the claims depending therefrom are not anticipated by Hegge.

As such, Applicant respectfully requests withdrawal of the §102 rejections of claims 1-3, 5, 11-20, 22, 27-36, and 43-45.

Pendleton

Claims 14-20, 22, 26-36, and 42-45 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,982,753, issued to Pendleton et al. ("Pendleton"). Applicant respectfully traverses the rejections of these claims, since Pendleton does not disclose each and every element recited in these claims.

Applicant notes that, with the exception of a few word changes, the Examiner's grounds for rejecting claims 14-20, 22, 26-36, and 42-45 as being anticipated by Pendleton in this Office Action, are identical to the grounds that the Examiner used to reject these claims in the previous Office Action. As such, Applicant incorporates herein the previous arguments made in the amendment and response, dated July 19, 2005, as they apply to these clams. Applicant further requests that the Examiner properly respond to these arguments in accordance with M.P.E.P. §707.07(f), and if the Examiner is so-inclined, to refrain from making the next office action final, as this would unfairly prejudice Applicant's ability to address the Examiner's response, which should have been set forth in the immediate office action.

Allowable Subject Matter

Claims 4, 7-9, 21, 23-25, and 37-41 stand objected to as depending from rejected base claims, but would be allowable if rewritten in independent form. While Applicant graciously acknowledges that Examiner's indication that these claims contain allowable subject matter, they have not been rewritten in independent form, since it is believed that independent claims 1, 20, and 28 from which these claims depend from are allowable, as explained above. As such, Applicant respectfully requests withdrawal of the objections of these claims.

Conclusion

Based on the foregoing, all claims pending in the application are believed to be allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

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Dated: November 10, 2005

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